

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In Re:

LUCIA JARAMILLO,

Debtor

Case No.: 09-22869-rdd
(Chapter 7)

ORDER PURSUANT TO 11 U.S.C. § 362(d)
MODIFYING THE AUTOMATIC STAY IMPOSED BY 11 U.S.C. § 362(a)

Upon the motion, dated June 26, 2009 (the "Motion"), of BAC Home Loan Servicing, LP FKA CountryWide Home Loans Servicing LP as servicer for The Bank Of New York Mellon FKA The Bank Of New York As Trustee For The Certificateholders Of CWMBS2005-HYB5 (with any subsequent successor or assign, the "Creditor"), for an order, pursuant to section 362(d) of title 11 of the United States Code (the "Bankruptcy Code") vacating the automatic stay imposed in the above-captioned case by section 362(a) of the Bankruptcy Code as to the Creditor's interests in 1711-1713 47th Street, North Bergen, NJ 07047 (the "Property") to allow the Creditor's enforcement of its rights in, and remedies in and to, the Property; and due and proper notice of the Motion having been made on all necessary parties; and the Court having held a hearing on the Motion on August 13, 2009; and there being no opposition to the Motion; and after due deliberation and sufficient cause appearing, it is hereby

ORDERED that the Motion is granted as provided herein; and it is further

ORDERED that the automatic stay imposed in this case by section 362(a) of the Bankruptcy Code is vacated under section 362(d)(1) and (2) of the Bankruptcy Code as to the Creditor's interests in the Property to allow the Creditor's enforcement of its rights in, and remedies in and to, the Property; and it is further

ORDERED, that the chapter 7 trustee shall retain any and all interest that the estate may have in any surplus monies that may be produced from a foreclosure sale of the Property, and will be noticed of any such sale of the Property and surplus money proceedings.

Dated: September 9, 2009
New York, New York

/s/ Robert D. Drain
UNITED STATES BANKRUPTCY JUDGE

